

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
ATAX NEW YORK, INC., et al.,

Plaintiffs,

-v-

JOEL CANELA #1, et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 5916 (JPC) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Defendants' request for "court permission to file a motion to either obtain the requested discovery or to dismiss the action" (ECF No. 82) is DENIED WITHOUT PREJUDICE for failure to comply with the Court's Individual Practices, which require that, prior to raising a discovery dispute, "the moving party . . . has first conferred in good faith with any adverse party to resolve the dispute." Ind. Pracs. § II.C.1. "An exchange of letters or emails alone does not satisfy this requirement." Id. The Court's Individual Practices also require the moving party to "clearly set forth the issues in dispute and the relief sought." Id. ¶ II.C.2. "Simply attaching copies of correspondence between counsel does not satisfy" this requirement. Id. The parties shall meet and confer regarding any outstanding discovery. If the parties are unable to resolve their dispute, Defendants may renew their request by filing a letter in compliance with the Court's Individual Practices, including by clearly setting forth the issues in dispute and the relief sought.

The Clerk of Court is respectfully directed to close ECF No. 82.

Dated: New York, New York  
December 12, 2022

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge